Calendar No. 226

102D CONGRESS *1st Session*	SENATE	REPORT 102-152

PIPELINE SAFETY IMPROVEMENT ACT OF 1991

Mr. HOLLINGS, from the Committee on Commerce, Science, and Transportation, submitted the following

REPORT

OF THE

SENATE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

ON

S. 1583

SEPTEMBER 16 (legislative day, SEPTEMBER 10), 1991.—Ordered to be printed

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SEPTEMBER 16 (legislative day, SEPTEMBER 10), 1991.—Ordered to be printed

Mr. HOLLINGS, from the Committee on Commerce, Science, and Transportation, submitted the following

REPORT

[To accompany S. 1583]

The Committee on Commerce, Science, and Transportation, to which was referred the bill (S. 1583) to amend the Natural Gas Pipeline Safety Act of 1968 and the Hazardous Liquid Pipeline Safety Act of 1979 to authorize appropriations and to improve pipeline safety, and for other purposes, having considered the same, reports favorably thereon with amendments and recommends that the bill as amended do pass.

PURPOSE OF THE BILL

The bill, as reported, would authorize appropriations for fiscal years (FY) 1992, 1993, and 1994 for carrying out the Natural Gas Pipeline Safety Act of 1968 (NGPSA) and the Hazardous Liquid Pipeline Safety Act of 1979 (HLPSA) and would make certain changes in both Acts.

BACKGROUND AND NEEDS

The NGPSA and HLPSA provide for the Department of Transportation's (DOT) development and enforcement of regulations to govern the safe transportation by pipeline of natural gas and other hazardous liquids, such as gasoline and fuel oil. These standards are exclusively for interstate pipelines. States may impose additional standards for intrastate pipelines as long as they are compatible with the minimum Federal standards. Currently, the Office of Pipeline Safety within the Research and Special Programs Administration (RSPA) at DOT regulates pipeline safety under both the NGPSA and the HLPSA. The combined pipeline system consists of

approximately 1.8 million miles, of which there are approximately 1.6 million miles of gas pipeline and 155,000 miles of hazardous liquid pipeline.

In order to foster State participation in safety regulation, both Acts include State grant-in-aid programs for pipeline safety enforcement. Under these programs, the Federal Government can cover up to 50 percent of the costs of a State enforcement program if the State adopts a qualifying pipeline safety program. States participating in the pipeline safety program conduct inspections of pipelines and related facilities subject to the Acts and where necessary see that corrective measures are taken, either directly or through referral to DOT. Forty-six States, the District of Columbia, and Puerto Rico participate in the natural gas program. Nine States participate in the hazardous liquid program, which was initiated in FY 1986. Reimbursement figures for FY 1991 were approximately 25 percent for the natural gas program and 22 percent for the hazardous liquid program.

Both the NPGSA and the HLPSA were reauthorized for FY 1988 through 1991, and amended by the Pipeline Safety Reauthorization Act of 1988 (1988 Act), P.L. 100-561. The 1988 Act provided for increased civil penalties of up to $10,000 per violation per day; certification of individuals responsible for the operation and maintenance of pipeline facilities; Federal standards for completion and maintenance of an inventory of information related to pipelines and their leak histories, and improved availability of this and other information for the Secretary of Transportation (the "Secretary") and appropriate State officials, upon request; increased cooperation between Federal and State agencies with regard to pipeline accidents; criminal penalties for anyone convicted of knowingly and willfully defacing, damaging, removing, or destroying any pipeline sign or right-of-way marker; improved pipeline inspections; minimum Federal requirements for operation of one-call notification systems; and studies on the feasibility of regulating excavators, of requiring the inspection of transmission facilities with internal inspection devices, and of requiring the use of emergency flow-restricting devices in existing and future pipeline systems. RSPA has completed action on all but four provisions to date. Final action is anticipated on these remaining provisions by the end of 1991.

Since the enactment of the 1988 Act, there have been several serious pipeline accidents. The safety initiatives contained in S. 1583 respond to safety concerns indicated by similarities among some of those accidents and are based upon recommendations resulting from investigations conducted by RSPA, the National Transportation Safety Board (NTSB), and the National Institute of Standards and Technology (NIST). In addition, although the 1988 Act has promoted the creation of one-call systems to prevent outside-force damage to pipelines, S. 1583 addresses the concern that excavating with heavy equipment continues to be the major cause of reportable pipeline ruptures.

Legislative History

The Committee held a hearing on May 15, 1991, on issues related to pipeline safety. During this hearing, the Committee received tes-

timony from RSPA; the NTSB; A New Hampshire Public Utility Commissioner, representing the National Association of Regulatory Utility Commissioners; Washington Gas, representing the American Gas Association; ANR Pipeline, representing the Interstate Natural Gas Association of America (INGAA); and Unocal Pipeline, representing the Association of Oil Pipeline and the American Petroleum Institute.

Witnesses commented on three legislative proposals including H.R. 1489, the Pipeline Safety Act of 1991, which was ordered reported by the House Energy and Commerce Committee on July 30, 1991; S. 1429, the administration's pipeline safety proposal, which was introduced by Senator Kasten by request; and S. 1055, the Pipeline Safety Improvement Act of 1991, which was introduced by Senator Dole, on behalf of himself and Senators Danforth and Bond, on May 14, 1991.

On July 29, 1991, S. 1583 was introduced by Senator Exon, on behalf of himself and Senators Danforth and Kasten. On July 30, 1991, the Committee met in open executive session to consider S. 1583 and two amendments, which were approved without objection: an amendment by Senator Breaux to reduce hazards to navigation posed by offshore abandoned pipelines; and an amendment by Senator Ford to exempt certain farmers and retail suppliers from hours-of-service requirements when they are transporting farm supplies during crop-planting season. Without objection, the Committee ordered the bill as amended to be reported favorably.

Summary of Major Provisions

This legislation would reauthorize funding for the NGPSA and the HLPSA at levels sufficient for DOT to continue its current pipeline safety programs and undertake the additional safety improvements required by this legislation.

As reported, S. 1583 includes the following provisions.

1. It reauthorizes fundings for NGPSA programs at levels of $5,562,000 for FY 1992, $5,807,000 for FY 1993, and $6,062,000 for FY 1994; for State pipeline safety grants at levels of $7,000,000 for FY 1992, $7,280,000 for FY 1993, and $7,557,000 for FY 1994; and for general HLPSA programs at levels of $1,391,000 for FY 1992, $1,452,000 for FY 1993, and $1,516,000 for FY 1994. The FY 1992 figures reflect the administration's request. Since the administration only had requested "such sums as may be necessary" for FY 1993, authorization levels for FY 1993 and 1994 reflect adjustments to previous levels by the projected rate of inflation. Pipeline safety programs previously were authorized for FY 1991 at $4,270,000 for general NGPSA programs, $5,500,000 for State grants, and $1,067,000 for HLPSA programs. All pipeline safety programs are offset by a pipeline user's fee.

2. It requires the Secretary to define environmentally-sensitive areas for the purpose of carrying out the NGPSA and the HLPSA. Such definition, at a minimum, would include earthquake zones and areas subject to substantial ground movements such as landslides; areas where ground water contamination would be likely in the event of the rupture of a pipeline facility; freshwater lakes, rivers, and waterways; and river deltas and other areas subject to

soil erosion or subsidence from flooding, where pipeline facilities are likely to become exposed or undermined. Recognizing the more limited potential for environmental damage caused by natural gas pipeline ruptures, the legislation allows omission of such areas from the definition under the NGPSA if the Secretary finds that their include in will not contribute substantially to public safety or to the protection of the environment.

3. It specifically includes protection of the environment, in addition to protection of life and property, as part of DOT's pipeline safety responsibilities under the NGPSA and the HLPSA.

4. It expands the pipeline information to be maintained by operators and made available to appropriate State and Federal officials upon request, as required by the 1988 Act. The location of pipelines in urban end environmentally-sensitive areas and older pipelines would be identified on maps that are required under the NGPSA and the HLPSA.

5. It directs DOT, under the HLPSA, to survey and assess, within 24 months of the date of enactment of the reported bill, the effectiveness of procedures, systems, and equipment used to detect and locate pipeline ruptures and minimize product releases from pipeline facilities. Within 12 months of completion of such survey and assessment, the Secretary would issue regulations to ensure, to the maximum extent practicable, the rapid detection and location of pipeline ruptures, and shutdown of pipeline facilities located in or immediately adjacent to environmentally-sensitive or urban areas.

6. It gives the Secretary 18 months to issue regulations to require operators of natural gas distribution systems to install, where it would be technically feasible and would enhance public safety, excess flow value (EFVS) in new or renewed gas distribution lines. Concurrently, the Secretary would undertake a study to assess the finding of the Gas Research Institute (GRI) related to the use of EFVs to improve public safety, the results of which would be used to develop EFV performance standards. The Committee recognizes that DOT currently is conducting a rulemaking on the use of EFVs and intends, through this provision, to ensure that it is completed in a timely manner.

7. It directs the Secretary to assist in the dissemination of industry guidelines, developed by the Gas Piping Technology Committee, for the replacement of cast iron pipelines. within 2 years after the industry guidelines become available, DOT would conduct a survey of pipeline operators that are cast iron pipe to determine the extent to which safe management and replacement plans have been adopted. The Committee anticipates that DOT will use the results of this survey to determine the need for Federal guidelines or regulations.

8. It requires the Secretary to conduct, under the NGPSA, a rulemaking to ensure the safety of pipe owned by residential and small commercial nonoperators of pipelines. Such rulemaking would includes, as appropriate, requirements that natural gas distribution companies assume responsibility for the operation and maintenance of such lines up to the outlet of the meter or the building wall, whichever is further downstream. The term "maintenance" should include such activities as the inspection and replacement of such lines, as necessary for safety.

9. It provides for a civil penalty of up to $10,000 for any person who, prior to excavating with power-operated equipment (other than for routine agricultural purposes), knowingly fails to use an appropriate one-call notification system to determine the location of underground pipeline facilities in the area being excavated and subsequently damages a natural gas or hazardous liquid pipeline facility to the extent that the incident is required to be reported to the Secretary under the NGPSA or the HLPSA. This provisions also provides for increase cooperation between DOT and the Occupational Safety and Health Administration (OSHA) in enforcing regulations concerning pipeline-related worker injuries.

10. It requires operators who abandon underwater natural gas and hazardous liquid pipeline facilities after November 16, 1990, to report such abandonment to the Secretary. Within 30 months after November 16, 1990, operators of pipelines abandoned prior to the November 16, 1990, would report all reasonably available information on such abandonment as required by the Secretary. The Secretary is directed to maintain such information, as well as information on collisions between vessels and underwater abandoned pipeline facilities. In addition, the Secretary would be directed to undertake a study, in consultation with State and other Federal agencies, pipeline owners and operators, the fishing and maritime industries, and other affected parties, in order to submit recommendations to Congress, within 18 months after November 16, 1990, on further Federal action that should be taken to eliminate navigational hazards from such pipelines.

11. It amends a contradictory provision of the Hazardous Materials Transportation Act, as enacted by the Hazardous Materials Transportation Uniform Safety Act of 1990 (HMTUSA). That provision, as enacted, both creates and eliminates an exemption from mandatory registration for tanks and containers with a capacity of 3,500 gallons or less. The reported bill clarifies that bulk package shippers are subject to mandatory registration if they meet one specific set of conditions, and that shippers of nonbulk packaging are covered by a different set of conditions.

12. It exempts farmers and retail farm suppliers from Federal hours of service limitations when they are transporting farm supplies for agricultural purposes within a 50-mile radius of their distribution point during the crop-planting season.

The Committee did not include a provision contained in S. 1055 requiring hydrostatic testing of all older pipelines because of the issuance of a DOT notice of proposed rulemaking on the subject prior to introduction of S. 1583.

Estimated Costs

In accordance with paragraph 11(a) of rule XXVI of the Standing Rules of the Senate and section 403 of the Congressional Budget Act of 1974, the Committee provides the following cost estimate, prepared by the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, August 23, 1991.

Hon. ERNEST F. HOLLINGS,
Chairman, Committee on Commerce, Science, and Transportation, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has reviewed S. 1583, the Pipeline Safety Improvement Act of 1991, as ordered reported by the Senate Committee on Commerce, Science and Transportation, July 30, 1991. This estimate supersedes the one dated August 12, 1991. CBO estimates that enactment of this bill would have no net impact on the federal budget or on the budgets of state or local governments. Because S. 1583 would not affect direct spending or receipts of the federal government, pay-as-you-go procedures would not apply to the bill.

S. 1583 would authorize appropriations of $14.0 million in fiscal year 1992, $14.5 million in fiscal year 1993, and $15.1 million in fiscal year 1994 for the Department of Transportation's pipeline safety activities. Specifically, the bill would authorize:

—$5.6 million, $5.8 million and $6.1 million in fiscal years 1992, 1993 and 1994, respectively, to administer the Natural Gas Pipeline Safety Act of 1968 (NGPSA);

—$7.0 million, $7.3 million and $7.6 million in fiscal years 1992, 1993 and 1994, respectively, for grants to states under the NGPSA; and

—$1.4 million in fiscal year 1992 and $1.5 million in each of fiscal years 1993 and 1994 to administer the Hazardous Liquid Pipeline Safety Act of 1979 (HLPSA).

S. 1583 also would make a number of amendments to the NGPSA and HLPSA concerning safety standards and enforcement of those standards.

Under Title VII of the Consolidated Omnibus Budget Reconciliation Act of 1985, the costs of all activities authorized under the NGPSA and HLPSA are to be offset by fees imposed on pipeline operators. All the amounts authorized in this bill would be covered by that provision and would be offset by collections from nonfederal sources.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Marjorie Miller, who can be reached at 226–2860.

Sincerely,

C.G. NUCKOLS
(For Robert D. Reischauer, Director).

REGULATORY IMPACT STATEMENT

In accordance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee provides the following evaluation of the regulatory impact of the legislation, as reported.

NUMBER OF PERSONS COVERED

This legislation primarily authorizes funding for existing programs, with many of the provisions refining administrative aspects of these programs or requiring research and reporting to Congress prior to further action. Specific rulemaking requirements under the legislation are not directed toward individuals, but potentially could affect the operation of 450 natural gas transmission companies, 1,520 natural gas distribution companies, and 170 hazardous liquid companies.

ECONOMIC IMPACT

The economic impact of this legislation is limited primarily to DOT and the pipeline industry. Mandatory studies related to rapid shutdown of pipeline facilities, EFVs, the safety of nonoperator owned pipelines, and abandoned underwater pipelines likely will result in some additional administrative and research costs to DOT. Additional expenses may be incurred by DOT in undertaking rulemaking activities, both in cases where they are required, and where they are necessary, based on the outcome of research.

Both natural gas and hazardous liquid pipeline companies could incur some cost related to collecting and making available additional information on pipelines in or immediately adjacent to environmentally-sensitive and urban areas, and on older pipelines. Studies and rulemaking related to abandoned underwater pipelines could have some economic impact with regard to both kinds of pipeline operation. Depending upon the extent of regulatory action taken by DOT regarding rapid shutdown of pipeline facilities, hazardous liquid pipeline companies potentially could experience additional costs. Natural gas distribution companies would incur additional expenses if required to take responsibility for the operation and maintenance of distribution lines owned by residential and small commercial nonoperators of pipelines, although this responsibility already has been imposed by some States.

The most significant potential cost to natural gas distribution companies would be the mandatory use of EFVs in such instances as the Secretary determines would enhance public safety and be technically feasible. Cost implications are difficult to estimate until such determination is made. In its Advance Notice of Proposed Rulemaking on EFVs, issued on December 20, 1990, DOT cited a GRI study which said the average cost of an EFV was $18.25, with installation costs, including excavation, ranging from $240 for unpaved areas to $405 for paved areas. Since this legislation only would require EFV installation where excavation already was requird to construct, renew, or replace gas service lines, the added cost to natural gas companies per EFV installation would be minimal. It is important to note that EFVs are being installed voluntarily by many gas companies.

PRIVACY

This legislation would not have any adverse impact on the personal privacy of the individual affected.

PAPERWORK

The Committee does not foresee a significant increase in the current level of paperwork required as a result of this legislation, although various research activities and new reporting requirements related to underwater abandoned pipeline facilities may have some impact.

SECTION-BY-SECTION ANALYSIS

SECTION 1.—SHORT TITLE

This section provides that the legislation may be cited as the "Pipeline Safety Improvement Act of 1991."

SECTION 2.—AUTHORIZATION OF APPROPRIATIONS

This section amends section 17(a) of the NGPSA to authorize appropriations of $5,562,000 for FY 1992, $5,807,000 for FY 1993, and $6,062,000 for FY 1994. This section also amends section 214(c) of the HLPSA to authorize appropriations of $1,391,000 for FY 1992, $1,452,000 for FY 1993, and $1,516,000 for FY 1994. Subsection (c) of section 17 is amended to authorize appropriations to fund Federal grants-in-aid to support State pipeline safety efforts related to both the NGPSA and the HLPSA in the amounts of $7,000,000 for FY 1992, $7,280,000 for FY 1993, and $7,557,000 for FY 1994.

SECTION 3.—DEFINITIONS

This section amends section 2 of the NGPSA by adding a new paragraph (18), and section 201 of the HLPSA by adding a new pargraph (12). These new paragraphs require the Secretary to define "environmentally-sensitive areas." The definition of such areas is to include, at a minimum, earthquake zones and areas subject to substantial ground movements such as landslides; areas where ground water contamination would be likely in the event of the rupture of a pipeline facility; freshwater lakes, rivers, and waterways; and river deltas and other areas subject to soil erosion or subsidence from flooding or other water action, where pipeline facilities are likely to become exposed or undermined.

In implementing the definition of "environmentally-sensitive areas," the Committee expects the Secretary to exercise reasonable discretion. For example, the likelihood of earthquakes, landslides, or ground water contamination should be taken into consideration in determining whether the potential for damage to the natural environment is substantial enough to warrant designating an area "sensitive."

With regard to the NGPSA, the legislation povides that the areas listed need not be included in the definition of "environmentally-sensitive areas" to the extent that the Secretary finds that such inclusion will not contribute substantially to public safety or to the protection of the environment. During the May 15, 1991, hearing, an INGAA representative testified that natural gas is considered environmentally benign because it is lighter than air and dissipates upon release into the atmosphere. Taking this into consideration, the Committee expects the Secretary to identify as "environmentally-senstive" those kinds of areas, if any, that would be subject to

substantial environmental damage in the event of an accident involving a natural gas pipline facility.

SECTION 4. ENVIRONMENTAL PROTECTION

This section amends section 3(a) of the NGPSA and section 203 of the HLPSA in order to clarify the Secretary's authority to provide for protection of the environment when establishing minimum Federal safety standards for the safe transportation of natural gas and hazardous liquids. Pipeline operators would be required to report conditions that could have a significant adverse impact on the natural environment, in addition to those that constitute a hazard to life or property as in current law. Also, in prescribing standards, the Secretary specifically would be required to consider the extent to which such standards will contribute to the protection of the environment, in addition to public safety.

The Committee believes that protection of the environment is an appropriate and necessary role for the Secretary at this time. Clean up costs related to pipeline spills are high. For example, the cost of cleaning up the scenic Gasconade River in Maries County, Missouri, after a December, 1988, oil pipeline rupture has exceeded $15 million. In addition, it is unclear whether the environment can ever be restored to its original state in such cases.

SECTION 5.—IDENTIFICATION OF CERTAIN PIPELINES

This section amends section 3(e)(2) of the NGPSA and section 203(i)(2) of the HLPSA to add to the information that is to be completed and maintained by operators of pipeline facilities and provided, upon request, to the Secretary or appropriate State officials. Specifically, maps showing the location of major pipleine facilities would be required, within 12 months of the date of enactment of this legislation, also to identify all pipeline facilites located in or immediately adjacent to environmentally-sensitive areas, or in or immediately adjacent to incorporated or unincorporated cities, towns, or villages. All older pipleines, or those constructed before calendar year 1971, also would need to be identified.

The 1988 Act required, for the first time, that pipeline operators make basic pipeline information available to appropriate safety officials. However, that information is not extensive enough to enable DOT to determine the location or extent of pipelines in areas posing the greatest risks to people or the environment. Similarly, DOT cannot account for "grandfathered" older pipelines that are exempt from DOT safety standards that only apply to pipelines built after 1970. The Committee believes that DOT should have the ability to assess more accurately safety needs in order to set priorities for action.

The Committee encourages the Secretary to consider whether a class location system such as currently exists for natural gas pipelines could be used to facilitate identification of natural gas and hazardous liquid pipeline facilities located in or immediately adjacent to cities, towns, or villages. Such a system would classify locations along a pipeline according to how many people live or work within a given distance of the line. The identification requirements

of this section then would apply in those areas where the population density exceeded a specified threshold.

SECTION 6.—RAPID SHUTDOWN OF PIPELINE FACILITIES

This section would amend section 203 of the HLPSA by adding a new subsection (m). This new subsection would direct the Secretary to survey and assess, within 24 months of the date of enactment of this subsection, the effectiveness of procedures, systems, and equipment used to detect and locate pipeline ruptures and minimize product releases from pipeline facilities. Within 12 months after the completion of such survey and assessment, the Secretary is to issue regulations to establish standards for, and to require, to the maximum extent practicable, procedures, systems, and equipment for, as rapidly as possible, detecting and locating ruptures of pipelines and shutting down those pipeline facilities located in or immediately adjacent to, and posing an imminent risk to, environmentally-sensitive areas, cities, towns, or villages.

The 1988 Maries County, Missouri spill occurred at about 4:30 p.m. on Christmas Eve, when an entire 48-foot segment of older pipeline ruptured. The pipeline operator failed to recognize the rupture: when pipeline pressure dropped, he (the operator) reacted by increasing the pumping rate. At 5:45 p.m., a farmer found the spill and notified pipeline officials, who were not able to reach the remote site and manually shut down the pipeline until 9:39 p.m. During that 5-hour period, 850,000 gallons of crude oil poured into the Gasconade River.

In investigating this spill, NIST noted that the technical ability of pipeline companies to detect and locate pipeline spills is improving, but still varies widely. This also was found to be true with regard to the use of emergency flow-restricting devices to limit damage from pipeline failures. Citing these findings in a July 1989 report entitled "An Assessment of the Performance and Reliability of Older ERW [Electric Resistant Weld] Pipelines," NIST recommended that such devices be installed on pipelines in critical-risk locations in order to limit risks to public safety and damages to property and the environment. Similarly, in an April 11, 1991, report entitled "Emergency Flow Restricting Devices Study," DOT concluded that installation of remote control and check valves on hazardous liquid pipelines would be beneficial in certain environmentally-sensitive and urban areas. The Secretary should proceed to determine where such equipment, as well as related procedures and systems, should be required.

SECTION 7.—EXCESS FLOW VALVES

This section would amend section 3 of the NGPSA to add a new subsection (i). This subsection would require the Secretary, not later than 18 months after the date of enactment of this subsection, to issue regulations to require operators of natural gas distribution systems to install EFVs in new or renewed gas service lines, where it would be technically feasible and would enhance public safety. Concurrently, the Secretary would be required to undertake a study to evaluate the use of EFVs to improve safety in natural gas distribution systems, the results of which are to be used by the Sec-

retary to develop EFV performance standards for inclusion in any regulations issued by the Secretary to require EFVs. The study, at a minimum, is to assess the findings of the GRI on this issue.

Since 1971, the NTSB has recommended the installation of EFVs on natural gas service lines leading into homes. Such valves, when triggered by an excessive surge of gas caused by a pipeline rupture, will cut off the flow of gas so that it does not collect in a basement or crawl space and explode. In a March 1990, report on 5 natural gas accidents that killed 4 people and injured 12 others in Kansas and Missouri, the NTSB found that at least 2, and possibly 3, of the 5 accidents would have been prevented or minimized had there been EFVs on the gas lines leading into the homes that were destroyed.

The Committee recognizes that DOT currently is conducting a rulemaking on the use of EFVs and intends, through this provision, to ensure that the rulemaking is completed in a timely manner. In addition, the Committee believes that the development of Federal EFV performance standards, which would apply to EFVs regardless of whether their use in various instances is required by law, would assist State pipeline regulatory agencies and the gas distribution industry.

Testimony during the May 15, 1991, hearing illustrated the existing level of disagreement among safety experts, both as to the utility of the valves and the safety benefits their use might provide, even though several hundred thousand EFVs are reported to be in place in the systems of approximately 40 distribution companies. Proponents of EFVs, including the NTSB, disagree with a 1985 report by the industry's GRI which concluded that "the cost of installing and maintaining EFVs was found to be inordinately high when compared to the accrued benefits." This section would require an independent evaluation of GRI's findings. The Committee expects that the Secretary would use the expertise of the Volpe National Transportation Systems Center to conduct this evaluation.

SECTION 8.—REPLACEMENT OF CAST IRON PIPELINES

This section would amend section 13 of the NGPSA by adding a new subsection (c). This subsection would direct the Secretary to publish a notice as to the availability of industry guidelines, developed by the Gas Piping Technology Committee, for the replacement of cast iron pipelines. Within 2 years after the industry guidelines become available, the Secretary would be required to conduct a survey of operators with cast iron pipe in their systems to determine the extent to which each operator has adopted a plan for the safe management and replacement of cast iron, the elements of the plan, including the anticipated rate of replacement, and progress that has been made.

The NTSB notes that most cast iron natural gas pipeline mains were installed under city streets during the late 1800s and early 1900s. Pipeline companies are steadily replacing cast iron pipes with more modern materials, but cast iron pipe failures continue to average 90 per year, an indication that their frequency is increasing. The Committee wants to ensure that operators are aware of industry-generated guidelines developed to help address the diffi-

cult issues related to replacing cast iron pipes in a planned, orderly, and economically feasible manner that maximizes public safety. The Committee also seeks to ensure that the Secretary has the necessary information to determine whether Federal regulatory action is needed in this area.

SECTION 9.—SAFETY OF PIPE NOT OWNED BY PIPELINE OPERATORS

This section would amend section 3 of the NGPSA by adding to the end a new section (j). This new section would require the Secretary to conduct a rulemaking to ensure the safety of pipe owned by residential and small commercial nonoperators of pipelines, including, as appropriate, requirements that the distribution companies serving such customers assume responsibility for the operation and maintenance of such lines up to the outlet of the meter or the building wall, whichever is further downstream. The term "maintenance" is intended to include such activities as the inspection and replacement of such lines, as necessary for safety.

Investigations by DOT and the NTSB found that the 1988 and 1989 gas explosions that destroyed homes and killed and injured residents in Kansas and Missouri were due to deteriorated gas lines located in the homeowners' yards. The accidents might have been averted had the distribution company provided necessary maintenance for the lines. DOT and the NTSB note that the distribution company, rather than the customer, controls the flow of gas, possesses the necessary expertise with respect to the operation and maintenance of pipeline facilities, and is compensated for the gas service it provides. Therefore, the Committee believes that it would be reasonable to impose responsibility for the maintenance and safe operation of "yard" lines up to the building wall on the distribution companies, regardless of the ownership of the pipe or the location of the meter. Once the pipe is within the building walls controlled by the consumer, issues relating to maintenance change. At that point, local building and housing codes and fire ordinances provide an appropriate safety regime in lieu of Federal pipeline safety regulations.

The Committee expects that any regulations the Secretary might adopt with respect to customer-owned lines will consider, at a minimum: the information available to the operator regarding customer-owned pipe; the economic impact on operators resulting from a requirement to take responsibility for custom-owned pipes; and the impact of the regulations on customers' property rights. Some classes of customers (e.g., industrial, large commercial institutional) are capable of providing the requisite level of safety oversight for service lines, such as cathodic protection, leakage surveys, and proper repairs. Consequently, the Committee anticipates that the Secretary's exercise of authority over customer-owned service lines, in the absence of demonstrated safety problems, would be limited to residential and small commercial service lines, as those terms would be defined by the Secretary.

Some States already have acted in this regard, but the committee believes that the Secretary should exercise authority to establish nationally applicable Federal minimum standards for nonoperator owned lines. Amending the NGPSA in this manner would not

affect the ability of State utility regulators to impose regulations that place safety responsibility on operators for customer-owned lines when determining appropriate rates and charges for gas service.

SECTION 10.—ONE-CALL NOTIFICATION SYSTEMS

This section would amend section 20 of the NGPSA by adding at the end a new subsection (g), and would amend section 11(a)(1) of the NGPSA. The effect of these amendments is to provide for a civil penalty of up to $10,000 per violation per day for any person, prior to excavating with power-operated equipment (other than for routine agricultural purposes), to knowingly fail to use an appropriate one-call notification system to determine the location of underground pipeline facilities in the area being excavated, and thereafter, in the course of such excavation, to damage a natural gas or hazardous liquid pipeline facility to the extent that there is a pipeline incident required to be reported to the Secretary under the NGPSA or the HLPSA. This section also would amend section 15 of the NGPSA and section 212 of the HLPSA by adding a new subsection (e) to each such section to require DOT to consult with OSHA to establish procedures to notify OSHA of pipeline accidents which may have violated OSHA regulations.

As noted previously, the failure of excavators to use one-call systems prior to digging is the largest single cause of pipeline damages. In 1990, such damages accounted for 65 percent of all natural gas distribution line accidents, 39 percent of all natural gas transmission line accidents, and 23 percent of all hazardous liquid pipeline accidents. All but a few States have adopted legislation that mandates the use of a one-call notification system by excavators. However, in some cases, States lack the ability to enforce one-call requirements. This section would supplement existing State enforcement authority with the addition of a Federal civil penalty. The Committee intends the use of the word "knowingly" in this section to focus DOT's enforcement activities on commercial excavators and others who regularly use power-operated earth-moving equipment, who reasonably would be expected to have available to them information on one-call systems and the importance of using them to avoid damaging underground utilities such as pipelines.

SECTION 11.—UNDERWATER ABANDONED PIPELINE FACILITIES

This section would amend section 3(h) of the NGPSA and section 203(l) of the HLPSA by adding at the end of each section a new paragraph (5). For the purposes of the subsection being amended, new paragraph (5) would define "pipeline facilities" to include underwater abandoned pipeline facilities, and would provide that in a case where such a pipeline facility has no current operator, the most recent operator of such facility shall be deemed to be the operator. The paragraph requires the Secretary, in issuing regulations required by paragraph (3) of these sections under the NGPSA and the HLPSA, to identify what constitutes a hazard to navigation with respect to underwater abandoned pipeline facilities. In issuing regulations under paragraphs (3) and (4) of these sections, the Secretary would be required to include such requirements as will

lessen the potential that such pipeline facilities will pose a hazard to navigation, taking into consideration the relationship between water depth and navigational safety and factors relevant to the local marine environment.

Reporting requirements are also established under new paragraph (5). Operators who abandon underwater natural gas and hazardous liquid pipeline facilities after the date of enactment of this legislation would be required to report such abandonment to the Secretary. Within 30 months of the date of enactment of section 3(h) of the NGPSA and section 203(l) of the HLPSA (November 16, 1990), operators of pipelines abandoned prior to that date of enactment would be required to report all reasonably available information on such abandonment, as specified with 1 year of that date of enactment by the Secretary. The Secretary is directed to maintain such information in a manner accessible to the appropriate Federal and State agencies. In addition, the Secretary shall require that State agencies which have information on collisions between vessels and underwater pipeline facilities report such information in a timely manner, and make a reasonable effort to specify the location, date, and severity of such collisions. For purposes of this new paragraph, the term "abandoned" is defined as meaning permanently removed from service.

The Navigational Safety Improvement Act, P.L. 101-599, passed in the 101st Congress, amended the NGPSA and the HLPSA to improve navigational safety and reduce collisions between in-service pipelines and marine vessels. Through the pipeline abandonment and collision reporting requirements contained in this section, the Committee intends to ensure that the actual and potential hazards to navigation posed by underwater abandoned pipelines also are identified, so that the Secretary may take appropriate action.

SECTION 12.—STUDY OF UNDERWATER ABANDONED PIPELINE FACILITIES

This section directs the Secretary, in consultation with State and other Federal agencies having authority over underwater natural gas and hazardous liquid pipeline facilities, with pipeline owners and operators, with the fishing and maritime industries, and with other affected groups, to undertake a study of the abandonment of such pipeline facilities. Such study is to include a survey of current Federal policies and authorities with regard to this subject; an analysis of whether the practice of in-place abandonments should be discontinued; an analysis of the extent and nature of the problems currently caused by such pipeline facilities; an analysis of alternative methods and requirements for abandonment, as well as relevant costs and other factors; an analysis of the navigational safety, environmental impacts, and economic costs associated with the disposition of pipeline facilities permanently removed from service; an analysis of various factors associated with imposing retroactively requirements on previously abandoned pipeline facilities; and other matters as may contribute to the development of a recommendation for Federal action. A report on the study, together with such recommendation, would be submitted by the Secretary to Congress within 18 months of the date of enactment of the legisla-

tion. Also, the Secretary is given specific authority to take appropriate actions based on the findings of the study.

The Committee intends that remedies imposed will be in proportion to the actual scope of the problem. The analysis required by this section should enable the Secretary to weigh the potential costs of imposing additional requirements on operators of abandoned lines, especially those previously abandoned, against the real public safety concerns directly related to abandoned facilities.

SECTION 13.—TECHNICAL CORRECTION

This section would amend section 106(c)(1)(C) of the Hazardous Materials Transportation Act to add the phrase ", in other than a bulk package,". Addition of this phrase clarifies that registration is required for any person who transports or causes to be transported or shipped in commerce a hazardous material *in a bulk package*, container, or tank which has a capacity of 3,500 or more gallons, and for any person who transports or causes to be transported or shipped in commerce, *in other than a bulk package*, a shipment of 5,000 pounds or more of a class of a hazardous material for which placarding is required.

By adding subsection (c) to section 106 of the Hazardous Materials Transportation Act in 1990, the HMTUSA both created and eliminated an exemption from mandatory registration for tanks and containers with a capacity of less than 3,500 gallons. For example, a cargo tank carrying 1,000 gallons of liquid fertilizer would weigh about 8,300 pounds. If considered under section 106(c)(1)(B), applicable to shipments of 3,500 or more gallons, registration would not be required. If considered under section 106(c)(1)(C), applicable to shipments of 5,000 pounds or more, the same shipment would require registration. This section is intended to clarify that bulk package shippers are subject to mandatory registration if they meet one specific set of conditions, and that shippers of nonbulk packaging are covered by a different set of conditions.

SECTION 14.—EXEMPTION FROM HOURS OF SERVICE REQUIREMENTS

This section would exempt farmers and retail farm suppliers from the hours of service requirements contained in section 395.3 of title 49, CFR, when such farmers and retail farm suppliers are transporting farm supplies for agricultural purposes within a 50-mile radius of their distribution point during crop-planting season.

Existing DOT rules provide an hours-of-service exemption for deliveries from retail dealers during the Christmas delivery season. This section is intended to address a similar situation in the agricultural sector during the 6- to 8-week crop-planting season when the demand for farm supplies escalate, but the trained labor force available for making deliveries is limited.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new material is printed in italic, existing law in which no change is proposed is shown in roman):

NATURAL GAS PIPELINE SAFETY ACT OF 1968

Section 2 of that Act

DEFINITIONS

SEC. 3. As used in this Act—

(1) through (15) * * *

(16) "LNG accident" means any release, burning, or explosion of LNG resulting from—

(A) a rupture or other failure of a storage tank, pipeline, or other LNG facility;

(B) natural hazards (including earthquakes, hurricanes, and high winds);

(C) sabotage; or

(D) any other cause;

other than any such release, burning, or explosion which, as determined in accordance with regulations prescribed by the Secretary, does not pose a threat to public health or safety, property, or the environment; [and]

(17) "Interstate for foreign commerce" means any trade, traffic, tranportation, exchange, or other commerce—

(A) between any State and any place outside of such State, or

(B) which affects any trade, transportation, exchange, or other commerce described in subparagraph(A)[.] *; and*

(18) "Environmentally sensitive areas" shall be as defined by the Secretary and shall include, at a minimum—

(A) earthquake zones and areas subject to substantial ground movements such as landslides;

(B) areas where ground water contamination would be likely in the event of the rupture of a pipeline facility;

(C) freshwater lakes, rivers, and waterways; and

(D) river deltas and other areas subject to soil erosion or subsidence from flooding or other water action, where pipeline facilities are likely to become exposed or undermined,

except to the extent that the Secretary finds that such inclusion will not contribute substantially to public safety or to the protection of the environment.

Section 3 of that Act

STANDARDS ESTABLISHED

SEC. 3. (a)(1) the Secretary, shall, by regulation, establish minimum Federal safety standards for the transportation of gas and pipeline facilities. Such standards may apply to the design, installation, inspection, emergency plans and procedures testing, construction, extension, operation, replacement, and maintenance of pipeline facilities. Such standards may include a requirement that all individuals responsible for the operation and maintenance of pipeline facilities be tested for qualifications and certified to perform such functions. Standards affecting the design, installation, construction, initial inspection, and initial testing shall not be application to pipeline facilities in existence on the date such standards are adopted. Such Federal safety standards shall be practicable and

designed to meet the need for pipeline safety *and the protection of the environment.* In prescribing such standards, the Secretary shall consider—

(A) relevant available pipeline safety data;

(B) whether such standards are appropriate for the particular type of pipeline transportation or facility;

(C) the reasonableness of any proposed standards; and

(D) the extent to which such standards will contribute to public safety *and the protection of the environment.*

Any State agency adopt additional or more stringent safety standards for intrastate pipeline transportation if such standards are compatible with the Federal minimum standards. No State agency may adopt or continue in force any such standards applicable to interstate transmission facilities, after the Federal minimum standards become effective.

(2) * * *

(3) Not later than 12 months after the date of th enactment of this paragraph, the Secretary shall issue regulations requiring each person who operates pipeline facilities, not including master meters, to report to the Secretary—

(A) any condition that constitutes a hazard to life or property, *or that could have a significant adverse impact on the natural environment,* and

(B) and safety-related condition that causes or has caused a significant change or restriction in the operation of pipeline facilities.

Reports submitted under this paragraph shall be in writing and shall be received by the Secretary within 5 working days after any representative of a person subject to the reporting requirements of this paragraph first determines that such condition exists. Notice of any such condition shall concurrently be supplied to appropriate State authorities.

(b) through (d) * * *

(e) NOTIFICATION STANDARDS.—Not later than 1 year after the date of the enactment of this subsection, the Secretary shall establish by regulation minimum Federal standards requiring operators of pipeline facilities subject to this Act (to the extent practicable) to provide, and revise as necessary, information relating to the operation of such facilities. Such information shall be completed and maintained and be provided, upon request, to the Secretary and an appropriate official of a State, as the case may be. Such information shall include the following:

(1) The business name, address, and telephone number, including an operations emergency telephone number, of the operator.

(2) An accurate map or maps, along with an appropriate supplementary geographic description, showing the location of major pipeline facilities, including all transmission lines and significant distribution lines, of such operator in the State. *Such map or maps shall, not later than 12 months after the date of enactment of the Pipeline Safety Improvement Act of 1991, identify—*

(A) all pipeline facilities located in or immediately adjacent to environmentally sensitive areas, or in or immediate-

ly adjacent to incorporated or unincorporated cities, towns, or villages; and

(B) all pipelines constructed before calendar year 1971.

(3) Through (7) * * *

(f) through (g) * * *

(h) OFFSHORE PIPELINE INSPECTION AND BURIAL.—

(1) through (4) * * *

(5) ABANDONED PIPELINE FACILITIES.—

(A) GENERAL RULE.—For the purposes of this subsection, except with respect to the initial inspection required under paragraph (1), the term "pipeline facilities" includes underwater abandoned pipeline facilities. For the purposes of this subsection, in a case where such a pipeline facility has no current operator, the most recent operator of such pipeline facility shall be deemed to be the operator of such pipeline facility.

(B) REGULATIONS.—(i) In issuing regulations under paragraph (3), the Secretary shall identify what constitutes a hazard to navigation with respect to underwater abandoned pipeline facilities.

(ii) In issuing regulations under paragraphs (3) and (4) regarding underwater pipeline facilities abandoned after the date of enactment of this subsection, the Secretary shall—

(I) include such requirements as will lessen the potential that such pipeline facilities will pose a hazard to navigation; and

(II) take into consideration the relationship between water depth and navigational safety and factors relevant to the local marine environment.

(C) REPORTING REQUIREMENTS.—(i) The operator of a pipeline facility abandoned after the date of enactment of this subsection shall report such abandonment to the Secretary in a manner specifying that the facility has been properly abandoned according to applicable Federal and State requirements.

(ii) Within 30 months after the date of enactment of this subsection, the operator of a pipeline facility abandoned before the date of enactment of this subsection shall report to the Secretary reasonably available information, including information in the possession of third parties, relating to the abandoned pipeline facility. Such information shall include the location, size, date, and method of abandonment, whether the pipeline had been properly purged and sealed when abandoned, and such other relevant information as the Secretary may require. The Secretary shall, within 1 year after the date of enactment of this subsection, specify the manner in which such information shall be reported.

(iii) The Secretary shall ensure that the information reported under clause (ii) is maintained by the Federal Government in a manner accessible to the appropriate Federal and State agencies.

(iv) The Secretary shall request that State agencies which have information on collisions between vessels and underwater pipeline facilities report such information to the Secretary in a timely manner and make a reasonable effort to specify the location, date, and severity of such collisions. Chapter 35 of title 44, United States Code, relating to coordination of Federal information policies, shall not apply to the collection of information under this clause.

(D) DEFINITION.—For purposes of this paragraph, the term "abandoned" means permanently removed from service.

(i) EXCESS FLOW VALVES.—

(1) REGULATIONS.—Not later than 18 months after the date of enactment of this subsection, the Secretary shall issue regulations to require operations of natural gas distribution systems to install, where it would be technically feasible and would enhance public safety, excess flow valves in new or renewed gas service lines. Such regulations shall be effective upon issuance.

(2) PERFORMANCE STANDARDS.—Not later than 18 months after the date of enactment of this subsection, the Secretary shall develop standards for the performance of excess flow valves used to protect lines in natural gas distribution systems. Such standards shall be incorporated into any regulations issued by the Secretary to require the use of excess flow valves. For cases where excess flow valves are in use but are not required to be used under such regulations, the Secretary shall publish such standards as guidance for State agencies which have filed certifications in accordance with section 5(a), and for operators of natural gas distribution systems.

(j) PIPE NOT OWNED BY OPERATORS.—The Secretary shall conduct a rulemaking to ensure the safety of pipe owned by residential and small commercial non-operators of pipelines, including, as appropriate, requirements that the distribution companies serving such customers assume responsibility for the operation and maintenance of such lines up to the outlet of the meter or the building wall, whichever is further downstream.

Section 11 of that Act

PENALTIES

SEC. 11. (a) (1) Any person who is determined by the Secretary, after notice and an opportunity for a hearing, to have violated any provisions of section 10(a) *or section 20(g)*, or any regulation or order issued under this Act including any order issued under sections 10(b) and 12(b) shall be liable to the United States for a civil penalty of not more than $10,000 for each violation for each day that violation persists, except that the maximum civil penalty shall not exceed $500,000 for any related series of violations.

(2) through (3) * * *

(b) through (d) * * *

Section 13 of that Act

INSPECTION AND MAINTENANCE PLANS

SEC. 13. (a)* * *

(b) * * *

(c) REPLACEMENT OF CAST IRON PIPELINES.—The Secretary shall publish a notice as to the availability of the industry guidelines, developed by the Gas Piping Technology Committee, for the replacement of cast iron pipelines. Within 2 years after the industry guidelines become available, the Secretary shall conduct a survey of operators with cast iron pipe in their systems to determine the extent to which each operator has adopted a plan for the safe management and replacement of cast iron, the elements of the plan, including anticipated rate of replacement, and the progress that has been made. Chapter 35 of title 44, United States Code (relating to coordination of Federal information policy), shall not apply to the conduct of such survey. Nothing in this section shall preclude the Secretary from developing such Federal guidelines or regulations with respect to cast iron pipelines as the Secretary deems appropriate.

Section 15 of that Act

ADMINISTRATION

SEC. 15. (a) * * *

(b) through (d) * * *

(e) The Secretary shall, in consultation with the Occupational Safety and Health Administration, establish procedures to notify such Administration of any pipeline accidents in which excavators causing damage to the pipeline may have violated such Administration's regulations.

Section 17 of that Act

APPROPRIATIONS AUTHORIZED

Sec. 17. (a) For the purpose of carrying out the provisions of this Act (other than provisions for which funds are authorized to be appropriated under subsection (b)or (c) or section 20, there are authorized to be appropriated

(1) $6,200,000, for the fiscal year ending September 30, 1980;
(2) $6,900,000, for the fiscal year ending September 30, 1981;
(3) $3,472,000, for the fiscal year ending September 30, 1985;
(4) $3,450,000, for the fiscal year ending September 30, 1986;
(5) $3,200,000, for the fiscal year ending September 30, 1987;
(6) $3,733,000, for the fiscal year ending September 30, 1988;
(7) $3,978,000, for the fiscal year ending September 30, 1989;
(8) $4,086,000, for the fiscal year ending September 30, 1989;
(9) $4,270,000, for the fiscal year ending September 30, 1991;
(10) $5,562,000 for the fiscal year ending September 30, 1982;
(11) $5,807,000 for the fiscal year ending September 30, 1993; **[**and**]**
(12) $6,062,000 for the fiscal year ending September 30, 1994**[**.**]**;

The Secretary may credit to any appropriation authorized under this subsection funds received from non-Federal sources for reimbursement for expenses incurred by the Secretary in providing training. The Secretary may expend in fiscal year 1989 or fiscal year 1990 not to exceed $50,000 of funds appropriated pursuant to this subsection for such fiscal year for establishing a training program for persons who install, operate, and maintain a system of providing natural gas for more than one unit in a definable area (including a building or series of buildings, a mobile home park, a housing project, or an apartment complex) through use of a master metering system in lieu of separate meters.

(b) * * *

(c) For the purpose of carrying out the Federal grants-in-aid provisions of section 5(d) of this Act and section 205(d) of the Hazardous Liquid Pipeline Safety Act of 1979 (49 U.S.C. App. 2004(d)) there are authorized to be appropriated $5,000,000 for the fiscal year ending September 30, 1986, $5,200,000 for the fiscal year ending September 30, 1987, $5,000,000 for the fiscal year ending September 30, 1988, $5,500,000 for the fiscal year ending September 30, 1989, $5,500,000 for the fiscal year ending September 30, 1990, [and] $5,500,000 for the fiscal year ending September 30, 1991, *7,000,000 for the fiscal year ending September 30, 1992, $7,280,000 for the fiscal year ending September 30, 1993, and $7,557,000 for the fiscal year ending September 30, 1994.*

(d) through (F) * * *

Section 20 of that Act

MINIMUM REQUIREMENTS FOR ONE-CALL NOTIFICATIONS SYSTEMS

SEC. 20. (a) through (f) * * *

(g) VIOLATION.—It shall be a violation of this Act for any person, prior to excavating with power operated equipment (other than for routine agricultural purposes)—

(1) to knowingly fail to use an appropriate one-call notification system to determine the location of underground pipeline facilities in the area being excavated; and

(2) thereafter in the course of such excavation to damage a natural gas or hazardous liquid pipeline facility with the result that there is a pipeline incident required to be reported to the Secretary under this Act or the Hazardous Liquid Pipeline Safety Act.

HAZARDOUS LIQUID PIPELINE SAFETY ACT OF 1979

Section 202 of that Act

DEFINITIONS

SEC. 202. As used in this title—

(1) through (9) * * *

(10) "national organization of State commissions" means the national organization of the State commissions referred to in subchapter III of chapter 103 of title 49, United States Code; [and]

(11) "Secretary" means the Secretary of Transportation[.]; *and*

(12) "environmentally sensitive areas" shall be as defined by the Secretary and shall include, at a minimum—

(A) earthquake zones and areas subject to substantial ground movements such as landslides;

(B) areas where ground water contamination would be likely in the event of the rupture of a pipeline facility;

(C) freshwater lakes, rivers, and waterways; and

(D) river deltas and other areas subject to soil erosion or subsidence from flooding or other water action, where pipeline facilities are likely to become exposed or undermined.

Section 203 of that Act

REGULATIONS GOVERNING HAZARDOUS-LIQUID PIPELINE FACILITIES

SEC. 203. (a)(1) The Secretary shall, by regulation, establish minimum Federal safety standards for the transportation of hazardous liquids and pipeline facilities. The standards shall apply to each person who engages in the transportation of hazardous liquids or who owns or operates pipeline facilities. The standards shall be practicable and designed to meet the need for safe transportation of hazardous liquids *and the protection of the environment.*

(2) Not later than 12 months after the date of the enactment of this paragraph, the Secretary shall issue regulations requiring each person who operates pipeline facilities to report to the Secretary—

(A) any condition that constitutes a hazard to life or property, *or that could have a significant adverse impact on the natural environment*, and

(B) any safety-related condition that causes or has caused a significant change or restriction in the operation of pipeline facilities.

Reports submitted under this paragraph shall be in writing and shall be received by the Secretary within 5 working days after any representative of a person subject to the reporting requirements of this paragraph first determines that such condition exists. Notice of any such condition shall concurrently be supplied to appropriate State authorities.

(b) In prescribing standards under this section, the Secretary shall consider—

(1) relevant available pipeline data;

(2) whether the standards are appropriate for the particular type of pipeline transportation or facility;

(3) the reasonableness of any proposed standards; and

(4) the extent to which the standards will contribute to public safety *and the protection of the environment.*

(c) through (h) * * *

(i) NOTIFICATION STANDARDS.—Not later than 1 year after the date of the enactment of this subsection the Secretary shall establish by regulation minimum Federal standards requiring operators of pipeline facilities subject to this title (to the extent practicable) to provide, and revise as necessary, information relating to operation of such facilities. Such information shall be completed and maintained and be provided, upon request, to the Secretary and an

appropriate official of a State, as the case may be. Such information shall include the following:

(1) The business named, address, and telephone number, including an operations emergency telephone number, of the operator.

(2) An accurate map or maps, along with any appropriate supplementary geographic description, showing the location of major pipeline facilities of such operator in the State. *Such map or maps shall, not later than 12 months after the date of enactment of the Pipeline Safety Improvement Act of 1991, identify—*

(A) all pipeline facilities located in or immediately adjacent to environmentally sensitive areas, or in or immediately adjacent to incorporated or unincorporated cities, towns, or villages; and

(B) all pipelines constructed before calendar year 1971.

(3) through (7) * * *

(j) through (k) * * *

(l) OFFSHORE PIPELINE INSPECTION AND BURIAL.—

(1) through (4) * * *

(5) ABANDONED PIPELINE FACILITIES.—

(A) GENERAL RULE.—For the purposes of this subsection, except with respect to the initial inspection required under paragraph (1), the term "pipeline facilities" includes underwater abandoned pipeline facilities. For the purposes of this subsection, in a case where such a pipeline facility has no current operator, the most recent operator of such pipeline facility shall be deemed to be the operator of such pipeline facility.

(B) REGULATIONS.—(i) In issuing regulations under paragraph (3), the Secretary shall identify what constitutes a hazard to navigation with respect to underwater abandoned pipeline facilities.

(ii) In issuing regulations under paragraphs (3) and (4) regarding underwater pipeline facilities abandoned after the date of enactment of this subsection, the Secretary shall—

(I) include such requirements as will lessen the potential that such pipeline facilities will pose a hazard to navigation; and

(II) take into consideration the relationship between water depth and navigational safety and factors relevant to the local marine environment.

(C) REPORTING REQUIREMENTS.—(i) The operator of a pipeline facility abandoned after the date of enactment of this subsection shall report such abandonment to the Secretary in a manner specifying that the facility has been properly abandoned according to applicable Federal and State requirements.

(ii) Within 30 months after the date of enactment of this subsection, the operator of a pipeline facility abandoned before the date of enactment of this subsection shall report to the Secretary reasonably available information, including information in the possession of third parties, relating

to the abandoned pipeline facility. Such information shall include the location, size, date, and method of abandonment, whether the pipeline had been properly purged and sealed when abandoned, and such other relevant information as the Secretary may require. The Secretary shall, within 1 year after the date of enactment of this subsection, specify the manner in which such information shall be reported.

(iii) The Secretary shall ensure that the information reported under clause (ii) is maintained by the Federal Government in a manner accessible to the appropriate Federal and State agencies.

(iv) The Secretary shall request that State agencies which have information on collisions between vessels and underwater pipeline facilities report such information to the Secretary in a timely manner and make a reasonable effort to specify the location, date, and severity of such collisions. Chapter 35 of title 44, United States Code, relating to coordination of Federal information policies, shall not apply to the collection of information under this clause.

(D) DEFINITION.—For purposes of this paragraph, the term "abandoned" means permanently removed from service.

(m) RAPID SHUTDOWN OF PIPELINE FACILITIES.—The Secretary shall, within 24 months after the date of enactment of this subsection, survey and assess the effectiveness of procedures, systems, and equipment used to detect and locate pipeline ruptures and minimize product releases from pipeline facilities. The Secretary shall, within 12 months after the completion of such survey and assessment, issue regulations to establish standards for, and to require to the maximum extent practicable, procedures, systems, and equipment for as rapidly as possible—

(1) detecting and locating ruptures of pipelines; and

(2) shutting down those pipeline facilities, located in or immediately adjacent to environmentally sensitive areas, or in or immediately adjacent to incorporated or unincorporated cities, towns, or villages, posing an imminent risk to such areas or such cities, towns, or villages.

Section 212 of that Act

ADMINISTRATION

SEC. 212.(a) * * *

(b) through (d) * * *

(e) The Secretary shall, in consultation with the Occupational Safety and Health Administration, establish procedures to notify such Administration of any pipeline accidents in which excavators causing damage to the pipeline may have violated such Administration's regulations.

Section 214 of that Act

APPROPRIATIONS AUTHORIZED

SEC. 214. (a) For the purpose of carrying out the provisions of this title (other than provisions for which funds are authorized to be appropriated under subsection (b) or section 17(c) of the National Gas Pipeline Safety Act of 1968 (49 U.S.C. App. 1684(c), there are authorized to be appropriated—

(1) through (7) * * *

(8) $1,021,000 for the fiscal year ending September 30, 1990; [and]

(9) $1,067,000 for the fiscal year ending September 30, 1991[.]*;*

The Secretary may credit to any appropriation authorized under this subsection funds received from non-Federal sources for reimbursement for expenses incurred by the Secretary in providing training.

(10) $1,391,000 for the fiscal year ending September 30, 1992;

(11) $1,452,000 for the fiscal year ending September 30, 1993; and

(12) $1,516,000 for the fiscal year ending September 30, 1994.

(b) * * *

HAZARDOUS MATERIALS TRANSPORTATION ACT

Section 106 of that Act

HANDLING OF HAZARDOUS MATERIALS

SEC. 106.(a) * * *

(b) * * *

(c) REGISTRATION.—

(1) MANDATORY FILINGS.— Each person who carries out one or more of the following activities shall file with the Secretary a registration statement in accordance with the provisions of this subsection:

(A) through (B) * * *

(C) Transporting or causing to be transported or shipped in commerce, *in other than bulk packaging,* a shipment of 5,000 pounds or more of a class of a hazardous material for which placarding of a vehicle, rail car, or freight container is required in accordance with the regulations issued under this title.

(2) through (15) * * *

(d) through (f) * * *

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